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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,340	07/09/2003	Hideaki Kato	T36-156717M/AIO NGB.267	8712
21254	7590	12/29/2005	EXAMINER TRAN, CHUC	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,340

Applicant(s)

KATO ET AL.

Examiner

Chuc D. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is a response to Applicant's amendment submitted on July 8, 2005 request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

1. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner does not understand the method of temporarily keeping "What ??? of the LEDs"; and rearranging "what ??? of the LEDs" in claim 1, and temporarily keeping "What ??? of the light emitting elements"; and rearranging "what ??? of the light emitting elements" in claim 5. Applicants is encouraged to implement this type of language in the interest of improving it's clarity.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoneyama et al (US 2005/0111016).

Regarding claims 1, 3, 5 and 7, Yoneyama et al disclose a method of arranging light emitting diodes comprising:

- storing characteristic values of each LEDs measured in a characteristic measurement (Page. 9, Col. 1, Line 22);

- temporarily keeping the LEDs after storing the characteristic values (Page. 9, Col. 1, Line 4); and

- rearranging the LEDs to make the characteristic values of adjacent LEDs substantially equal (Page. 10, Col. 2, Line 5) (Page. 15, Col. 1, Line 34).

Regarding claims 2 and 6, Yoneyama et al disclose that the characteristic value of one LED is not larger than that of another LED (Page. 11, Col. 1, Line 53).

Regarding claims 4, and 8-9, Yoneyama et al disclose that the characteristic value comprises a light intensity of the LEDs (Page. 13, Col. 1, Line 13).

Regarding claims 10 and 11, Yoneyama et al disclose that the LEDs are arranged from the smallest characteristic value to the largest characteristic value of the LEDs (Abstract).

Regarding claims 12 and 13, Yoneyama et al disclose that generating an arrangement sequence on a memory of a computer to make the characteristic values of adjacent LEDs substantially equal (Page. 18, Col. 1, Line 55), wherein the rearranging is conducted based on the arrangement sequence (Page 10, Col. 1, Line 58).

Regarding claims 14 and 15, Yoneyama et al disclose that the temporarily storing comprises ranking the LEDs with a temporary number by the characteristic value (Page. 9, Col. 1, Line 33).

Regarding claim 17, Yoneyama et al disclose that sorting the LEDs according to a predetermined algorithm (Abstract).

Regarding claim 18, Yoneyama et al disclose that the rearranging the LEDs comprises arranging the LEDs on a tape (Page. 23, Col. 1, Line 17).

Regarding claim 19, Yoneyama et al disclose that the rearranging the LEDs comprises arranging the LEDs on a pallette (Page. 11, Col. 1, Line 27).

Regarding claim 16, Yoneyama et al disclose an apparatus for arranging a number of LEDs in Fig. 1, comprising:

- a character value measuring unit (U1) that performs a characteristic measurement on the LEDs to obtain a characteristic value for the LEDs (Page. 9, Col. 1, Line 42);
- an arrangement sequence calculation unit that generates an arrangement sequence of the LEDs such that a difference between the characteristic value of adjacent LEDs is minimized (Abstract); and
- a rearrangement unit (23) for rearranging the LEDs in accordance with the arrangement sequence (Page 10, Col. 1, Line 58).

Citation of relevant prior art

Prior art Pinkus (USP. 5,567,937) disclose night vision device wavelength test pattern.

Prior art Uomori et al (USP. 6,618,123) disclose range finder, three dimensional measuring method and light source apparatus.

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Prior art Safai (US 2003/0034282) disclose method and system for generating background color for optical sorting apparatus.

Prior art Ishikawa et al (USP. 4,367,932) disclose exposure control system.

Prior art Kitada (USP. 5,995,070) disclose LED display apparatus and LED displaying method.


Prior art Morgan et al (US 2004/0160199) disclose controlled lighting method and apparatus.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner


TC

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December 26, 2005